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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MARC SILVER, HEATHER PEFFER,
ALEXANDER HILL, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

BA SPORTS NUTRITION, LLC,

Defendant.

Case No. 3:20-cv-00633-SI

CLASS ACTION

**AMENDED DECLARATION OF MAIA C.
KATS IN SUPPORT OF PLAINTIFFS'
REPLY IN FURTHER SUPPORT OF
MOTION TO QUASH SUBPOENAS**

Judge: Hon. Susan Illston

Ctrm: 1, 17th Floor

Date: November 6, 2020

Time: 10:00 a.m.

1 I, Maia C. Kats, declare as follows:

2 1. I am Of Counsel at Kaplan Fox & Kilsheimer LLP, counsel for plaintiffs Marc Silver,
3 Heather Pepper, and Alexander Hill ("Plaintiffs"). I submit this Declaration in support of Plaintiffs'
4 Reply in Further Support of their Motion to Quash Defendant's Subpoenas to Produce Documents,
5 Information, or Objects or to Permit Inspection of Premises in a Civil Action. I have personal
6 knowledge of the facts stated in this Declaration and, if called a witness, I could and would testify
7 competently to them.

8 2. Attached hereto as Exhibit 1 is a true and correct copy of an October 22, 2020 email
9 from Maia Kats to Matthew Borden concerning the scheduling of Plaintiffs' depositions.

10 3. Attached hereto as Exhibit 2 are true and correct copies of the following filings in the
11 matter entitled *Clark v. The Hershey Co.*, No. C 18-6113 WHA (N.D. Cal.):

12 a. Dkt. 51, March 4, 2019 Transcript of Proceedings

13 b. Dkt. 49, March 4, 2019 Order Following Discovery Hearing

14 c. Dkt. 82, April 16, 2019 Notice of Withdrawal and Substitution of Counsel for
15 Defendant The Hershey Company

16 4. I also respond to Defense counsel's representation that Plaintiffs' counsel was offered
17 a two-week extension on the return date of the subpoenas and that Plaintiffs' counsel rejected the
18 offer and, in purported bad faith, filed a letter brief with the Court. *See* Dkt. 68-1 at ¶ 10. This
19 statement is erroneous. Defendant's counsel only offered Plaintiffs' counsel an additional two weeks
20 to *produce documents* in connection with the subpoenas. Defense counsel refused to extend the
21 return date for the Subpoenas in order to enable further discussion and/or joint letter briefing as to
22 their propriety.

23 I declare under penalty of perjury under the laws of the United States that the foregoing is
24 true and correct.

25 Executed this 27th day of October, 2020, in Washington, District of Columbia.

26 /s/ Maia C. Kats
Maia C. Kats